



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,175	08/01/2001	James E. Kracht	CISCO-3550	7564

7590 05/01/2006  
Michael A. Blake  
Sierra Patent Group  
P.O. Box 6149  
Stateline, NV 89449

EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/922,175	Applicant(s) KRACHT, JAMES E.	
	Examiner Ashok B. Patel	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 6-12, 17, 18, 23, 24 and 30-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 13-16, 19-22 and 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-35 are subject to examination. Claim 12 has been cancelled and claims 6-11, 17, 18, 23, 24 and 30-35 have been restricted.

First of all, Examiner would like to apologize to the Applicant as well as the Applicant's representative for the inconvenience that might have caused because of the typographical error concerning the reference Fee's identification.

### ***Response to Arguments***

2. Applicant's arguments filed 02/13/2006 have been fully considered but they are not persuasive for the following reasons:

#### **Applicant's argument:**

"Fee, however, fails to teach or disclose the claimed limitation of "requesting a discovery protocol data package from the SSP". Examiner has cited Fee at col. 8, lines 47-55 as disclosing this limitation."

"The examiner cannot say that the DCA of Fee not only is the SSP of the present application AND ALSO requests the discovery protocol data package from said SSP, as such a reading means that the DCA in Fee is requesting a discovery protocol data package FROM ITSELF."

"Because Fee does not teach, suggest, nor otherwise disclose requesting a discovery data protocol package, Applicant also respectfully submits that Fee fails to teach, suggest, or otherwise disclose the claimed limitation of if said discovery protocol

Art Unit: 2154

data package corresponds to said at least one internal occupant, then discovering occupant information corresponding to said at least one internal occupant."

**Examiner's response:**

Examiner would like to present the teachings of Fee by identifying the **facts about DCA** as being the SSP of the claim 1.

At col. 5, line 31-67 Fee teaches "The apparatus of the present invention, hereinafter referred to as the "Distributed Chassis Agent" (DCA), builds upon this model using the SNMP process in each module but only requiring a single IP and MAC address for the entire chassis. Also the DCA allows MIBs to be distributed across all modules in the chassis and accessible by each module's SNMP process. This allows the chassis to be viewed as a single system for management purposes rather than a collection of systems. The chassis and all it contains can be managed via a single agent who's work load is distributed across all the modules in the chassis. The construction of the DCA is broken down into the following parts:

1. Intermodule Communications
2. Discovery
3. Chassis Election
4. Chassis Agent Access
5. MIB distribution.

A major component of the DCA is some form of intermodule communication. While the DCA appears as a single entity to the outside world, internal to the chassis it is a collection of programs running on a collection of modules. In order for the DCA to

appear as a single agent the individual modules must be able to communicate with one another. In order for this communication to take place a common bus or network must be available to all the modules. In the present implementation a common communication protocol must be used by all the modules.

Intermodule communications are accomplished in the present implementation via a system management bus (SMB). As shown in FIG. 3, the SMB 30 is composed of two LANs--SMB10 (based on ETHERNET), and SMB1 (based on LOCALTALK). The SMB is a means of communication between networking modules 32-36, and also provides an "out-of-band" link to NMSs (Network Management Stations) and file servers.

Also, Fee teaches, the function of "Chassis Agent Access" that is part of DCA, at col. 8, line 8-37, "The "chassis agent" is the software that allows the networking chassis to be managed as a single system. It is accessed via the network address known as the "chassis address." As communications with the chassis are performed using multiaccess networks like Ethernet, the chassis must also have a data-link address (or "MAC address"). The chassis address is a combination of its IP network and MAC address, and is referred to as the chassis IP/MAC address. The module acting as the DCA listens for packets having the chassis IP/MAC address.

The software may run on one or more modules within the chassis, but is always accessed via the same chassis address. The software is not dependent on any one module to perform its function. Each module may also have its own network address known as an "IP address." Each module must have a data link address known as a

Art Unit: 2154

"MAC address." The chassis agent, regardless of where (on which module) it resides, always uses the same chassis IP/MAC address.

Packets destined for the Distributed Chassis Agent DCA (i.e., packets using the chassis IP/MAC address as the destination address) may arrive at the chassis via any one (or more) of its front panel ports (see ports 25, 27, 29 in FIG. 2), or in the case of the present implementation, it may also arrive via the SMB10, as the SMB10 is externalized. The packet is terminated (from the network point of view) at the entry point to the chassis. The module terminating the packet has two choices after it has terminated a packet destined to the DCA:

a) It may service the packet itself (i.e. act as the DCA) or b) It may forward the packet to another module for service.

Thus, Fee teaches "requesting a discovery protocol data package from the SSP", and as claim recites " In communication system apparatus with an Ethernet backplane and at least one internal occupant, a method for identifying internal occupants, Fee's DCA performs the method in which it verifies that a system switch processor has been assigned an IP address and requests a discovery protocol data package from said SSP; and determines whether said discovery protocol data package corresponds to said at least one internal occupant; and if said discovery protocol data package corresponds to said at least one internal occupant, then discovering occupant information corresponding to said at least one internal occupant.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 13-16, 19-22 and 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Fee et al. (hereinafter Fee)(US 6, 415, 314 B1).

**Referring to claim 1,**

Fee teaches in a communications system apparatus with an Ethernet backplane (col. 5, lines 60-65) and at least one internal occupant (col. 4, lines 51-61), a method for identifying internal occupants comprising:

verifying that a system switch processor ("SSP") (col. 8, line 33-38, "DCA") has been assigned an IP address (col. 6, line 21-52);

requesting a discovery protocol data package from said SSP (col. 8, lines 47-55);

determining whether said discovery protocol data package corresponds to said at least one internal occupant (col. 7, line 1-5); and if said discovery protocol data package corresponds to said at least one internal occupant, then discovering occupant information corresponding to said at least one internal occupant. (col. 7, line 36-42).

**Referring to claim 2,**

Art Unit: 2154

Fee teaches the method of claim 1, including the additional act of determining whether said at least one internal occupant is the last internal occupant in said apparatus. (col. 7, line 13-14, col. 6, line 54-64).

**Referring to claim 3,**

Fee teaches the method of claim 1 further including after said query of determining whether said discovery protocol data package corresponds to said at least one internal occupant, the additional act of determining whether said at least one internal occupant has a valid IP address, if the discovery protocol data package corresponds to said at least one internal occupant. (col. 6, line 21-25, 60-67).

**Referring to claim 4,**

Fee teaches the method of claim 1 including the additional act of populating a data table with said at least one internal occupant's information. (col. 7, line 9-22).

**Referring to claim 5,**

Fee teaches the method of claim 1 wherein the act of discovering occupant information corresponding to said at least one internal occupant further comprises:

determining whether said at least one internal occupant is a multiservice route processor; discovering multiservice route processor information from said at least one internal occupant if said at least one internal occupant is a multiservice route processor;

determining whether said at least one internal occupant is a system processing engine; discovering system processing engine information from said at least one internal occupant. if said at least one internal occupant is a system processing engine; and indicating an error for said at least one internal occupant if said at least one internal



Art Unit: 2154

occupant is not a system processing engine. (Fig. 1, element 14, col. 4, line 51-56, col. 5, line 10-23, col. 7, line 1-48).

**Referring to claim 13,**

Claim 13 is a claim to a communications system apparatus that carries out the method of claim 1. Therefore claim 13 is rejected for the reasons set forth for claim 1.

**Referring to claim 14,**

Claim 14 is a claim to a communications system apparatus that carries out the method of claim 2. Therefore claim 14 is rejected for the reasons set forth for claim 2.

**Referring to claim 15,**

Claim 15 is a claim to a communications system apparatus that carries out the method of claim 3. Therefore claim 15 is rejected for the reasons set forth for claim 3.

**Referring to claim 16,**

Claim 16 is a claim to a communications system apparatus that carries out the method of claim 4. Therefore claim 16 is rejected for the reasons set forth for claim 4.

**Referring to claim 19,**

Claim 19 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 1. Therefore claim 19 is rejected for the reasons set forth for claim 1.

**Referring to claim 20,**

Claim 20 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 2. Therefore claim 20 is rejected for the reasons set forth for claim 2.

Art Unit: 2154

**Referring to claim 21,**

Claim 21 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 3. Therefore claim 21 is rejected for the reasons set forth for claim 3.

**Referring to claim 22,**

Claim 22 is a claim to an apparatus for identifying internal occupants of a communication system in accordance with the method of claim 4. Therefore claim 22 is rejected for the reasons set forth for claim 4.

**Referring to claim 25,**

Claim 25 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 1. Therefore claim 25 is rejected for the reasons set forth for claim 1.

**Referring to claim 26,**

Claim 26 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 2. Therefore claim 26 is rejected for the reasons set forth for claim 2.

**Referring to claim 27,**

Claim 27 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 3. Therefore claim 27 is rejected for the reasons set forth for claim 3.

**Referring to claim 28,**

Art Unit: 2154

Claim 28 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 4. Therefore claim 28 is rejected for the reasons set forth for claim 4.

**Referring to claim 29,**

Claim 29 is a claim to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the method of claim 5. Therefore claim 29 is rejected for the reasons set forth for claim 5.

***Conclusion***

**Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2154


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abp  
\*\*\*

  
JOHN A. FOLLANSBEE  
SUPERVISOR  
PATENT EXAMINER  
TECHNOLOGY CENTER 2100